

Blumenfeld
Kaplan & Sandweiss, P.C.
Attorneys At Law

168 North Meramec Avenue
Saint Louis, Missouri 63105
tel 314.863.0800 • fax 314.863.9388
Columbia, Missouri Office
by appointment only
tel 573.234.0800

www.bks-law.com
JOHN P. KING
JPk@BKS-LAW.COM

July 24, 2006

Via Federal Express

Mr. Robert Fischer
Fischer Quarry & Hauling, LLC
195 Ste. Gen Drive
St. Genevieve, Missouri 63670

RE: Fischer Quarry and Hauling, LLC
Hardstone Pit #2
Permit #0579
24 acres, Ste. Genevieve County, Missouri

Dear Mr. Fischer:

The undersigned represents Cingular Wireless ("Cingular"). Cingular currently has a Lease for a cellular telecommunication tower with Ernest and Alice Walker (the "Owners"). We received notice of the public meeting scheduled for July 26, 2006 concerning the above-captioned Petition.

Cingular currently has a 400' foot guyed cellular telecommunication tower located on Tower Lane in Bloomsdale, Missouri which is immediately adjacent to Fischer Quarry and Hauling, LLC ("Fischer") proposed blasting and mining site. The tower was constructed in 1990 and, to date, the tower is structurally sound and was designed to allow for co-location of additional antennas and/or microwave antennas, the tower foundation was not designed to sustain blasting and/or mining. Additionally, it is my understanding that Sprint too currently has a cellular telecommunications in close proximity to the proposed mining operations.

The purpose of my letter is to advise you that a Cingular representative will not be present at the July 27, 2006, hearing to protest your Petition. However, Cingular **strongly** believes that blasting in such close proximity to the cellular tower poses risks to the tower's foundation and stability as well as Cingular's existing cellular equipment thereby affecting safety of nearby residences. Should any damage to Cingular's cellular tower and/or equipment building, including the foundations or any interruption in Cingular's service be caused by Fischer's blasting, Cingular will seek reimbursement from Fischer Quarry and Hauling for any and all damage, repairs, replacement or interruption of service.

Mr. Robert Fischer
July 24, 2006
Page Two

If you have any questions or wish to discuss this matter, please do not hesitate to contact me.

Sincerely,



John P. King

JPK:njn

cc: Mr. Greg Stockell, Cingular Wireless
Mr. Tom Cabanas, Department of Natural Resources (via electronic mail)

RECEIVED

JUL 21 2006

MISSOURI LAND
RECLAMATION COMMISSION

Land Reclamation Commission

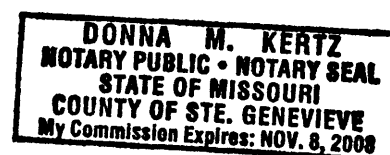
To: Larry P. Coen

I will not be able to attend the Land Reclamation Commission meeting due to conflicting family issues. Although I don't live in the immediate area of the proposed quarry, I would like to let my concerns be known. I work in a mine and I also know most how most quarries operate. To say this quarry would not be a health or safety issue and affect the welfare of the community would be an under statement. Most quarries have a buffer zone to help protect nearby residents unless grandfathered in. This permit may only seem like this will be a small operation, but I hardly believe that the Fischer Brothers would go through all this trouble unless there were a possibility of increasing production. They know there is a demand for decorative stone, but there will also be a demand for smaller stone for driveways because of housing going in due to the new cement plant going in. The owner of this property is dead set against dust and excessive traffic, as he once testified in court. The truck traffic that will be going by the houses next to the proposed quarry will be so greatly affected that I can't believe the Department of Natural Resources even considered starting the permit process. I can believe that Fischer Brothers will try to keep the dust down at the quarry site, but I can't see them watering the roads all the way to highway sixty-one. My two daughters attend the public school and I can assure you and the commission will be receiving phone calls and letters the first time they can't go outside for recess because of excess dust. If you can honestly tell those people who live nearby they won't be affected from this quarry, you may be in the wrong business.

Wayne W. Fallert

Subscribed and sworn to before me this 19th day of June, 2006.

Donna M. Kertz
Donna M. Kertz, Notary Public



RECEIVED

JUN 08 2006

MISSOURI LAND
RECLAMATION COMMISSION

June 1, 2006

Land Reclamation Commission
P.O. Box 176
Jefferson City, MO 65102-0176

Stewart/ Davis
11045 Pleasant Heights
Bloomsdale, MO 63627

Pg 1 of 7*

Dear Commission.

In regard to the proposed Fischer Quarry, Ste. Genevieve County Section 3, Township 38N, Range 7E; we are, again, requesting a hearing on the matter as to the concerns of Health, safety, and livelihoods. We are 'reiterating' our request due to the conflicting statements/ information as to the 'process' we must adhere, (unlike the land reclamation 'programer' adherence to "statute"). Please note the public meeting was held on 4-4-06, and yet we did not receive the 'recommendation' or 'minutes' until 5-15-06, dated 5-11-06, whereas "by statute" 30 days was allowed, and had expired. (We would hope that you have access to such) There is also a 2 hour public recorded- VHS tape available of the public meeting on 4-4-06, whereas Mr. Coen stated opening statements indicated such statute and timing. We will bring it to view at the July 27th Commission meeting. The information to acquire this public tape was given to Ms. Mosby over the phone as Mr. Coen was not available at the time. The same information is: send name, Full address, and phone number, with \$10 donation (S&H may be extra), To: Ste. Genevieve Community Access Television, P.O. Box 51, Ste. Genevieve, MO 63627. Simply request: Fischer Quarry Public Meeting of 4-4-06.

We are also submitting the last letter (pages 1-3) as sent to the Land Reclamation Program Dated 3-21-06 as to the full extent of our concerns, which were NOT 'ADEQUATELY RESOLVED' !!

Sincerely,
Jung h. Stewart Sr.
Kay J. Stewart
Dean A. Davis
Susan Stewart
Jung A. Stewart Jr.

Director, Doyle Childers
Land Reclamation Program
Dept. of Natural Resources
Jefferson City, Mo. 65102

Stewart/Davis
11045 Pleasant Heights
Bloomsdale, Mo. 63627

(3/21/06)

Page 1 of 3
(Pg. 5) 4-25)

Dear Director Childers,

In regard to the proposed limestone quarry with an approximate location only 1,000 feet from the Bloomsdale Elementary School, Ste. Genevieve County Section 03, Township 38N, Range 7E: Let it be known that we RESOUNDINGLY OPPOSE such a quarry at this site. The PREVAILING concerns ARE HEALTH, SAFETY, AND LIVELIHOODS of the school children, parents, faculty, and workers; as well as the Bloomsdale Community!

There is a forefront issue of the application as submitted being processed as INCOMPLETE, pursuant to CSR 40-10.020, Permit Application Requirements, although 'deemed complete' for a SECOND TIME to publish 'public notifications'. It is certainly a quandary as to HOW this application is still being considered with such pertinent, and required information omitted. The RECORDED documentation was submitted to several MDNR representatives personally on 1-30-06 prior to the second 'public notice period! (RE: pages 4-12)

Pursuant to the Code of State Regulations, Rules for Department of Natural Resources, Division 40, Chapter 10, 10CSR 40-10.020 Permit Application Requirements, (2) as required by section 444.772, RSMo, an applicant

SHALL PROVIDE A COMPLETE APPLICATION PACKAGE SUBMITTED WHICH INCLUDES THE FOLLOWING: ... (B) (IN PART) THE AUTHORIZED WRITTEN CONSENT OF THE APPLICANT AND ANY OTHER PERSONS TO GRANT ACCESS... TO THE AREA OF LAND AFFECTED UNDER THE APPLICATION OR PERMIT...

Whereas the applicant NEGLECTED to obtain the required authorized written consent of the FOUR (4) private property owners from whose private properties comprise the PRIVATE ROADWAY, which is indicated as the proposed quarry's access (RE: pages 25-28), and the same private roadway being recorded in the Recorder of Deeds Office, Ste. Genevieve County, which states as 'EXHIBIT B' (IN PART) "NOT FOR ANY COMMERCIAL USE..."; Hence, the application as submitted whereas attests by signed and notarized affidavit is INCOMPLETE and NONCOMPLIANT to the requirements as stated in 10CRS 40-10.020, (2) & (B).

The ONLY person who signed the legal affidavit, Chris Carron, is NOT an owner of ANY property which comprises the private roadway, and has NO authority to supersede the actual property owners, NOR to subjugate the Ste. Genevieve County Recorder of Deeds. This is a PRIVATE ROADWAY INTENDED FOR RESIDENTIAL USE!

Therefore the consent of access has NOT been granted, and in adhering to and upholding the Code of State Regulations, pursuant to section 444.773 RSMo, CSR 40-10.020, we VEHEMENTLY request your denial of permit to this quarry site.

If after full awareness of the inaccessibility of the private roadway as consent has NOT been granted by all persons, there may still be consideration to permit this quarry, we hereby request a HEARING to address the noncompliance of 10CSR 40-10.020, as well as the aforementioned PREVAILING concerns of:

#1) A. HEALTH: (RE: pages 13-23) It is documented that SILICA DUST: a natural component of limestone, is a known human carcinogen, and causes chronic lung silicosis of the lungs, i.e., LONG TERM EXPOSURE TO LOW CONCENTRATIONS OF SILICA DUST. It is also documented, dated 1-28-05, by the Missouri Dept. of Labor and Industrial Relations that an "ALARMING" 49 MINES are known to be "OVEREXPOSED" with SILICA DUST! Approximately ONLY 1000feet away there are elementary school CHILDREN, parents, facility, and workers that will be ADVERSELY affected by this for many years, as well as the diversity of the immediate residents from infants to the elderly, all with health

Director, Childers

Stewart/Davis

Page 2 of 3

concerns! With the already "ALARMING" 49 mines "OVEREXPOSED" with Silica Dust there can be NO assurance that this proposed quarry won't be HAVOC to the school and the community!

There are several immediate residents who work 7-day swing shifts, or midnights, whereas it is imperative to sleep through the day hours to prevent 'SLEEP DEPRIVATION' affecting not only health issues, but most certainly those livelihoods!

#1) B. We request: an Etiology of Silicosis specific to Missouri; an Epidemiologic Study, to include, but not limited to all aspects and effects to the elementary school children, parents, faculty, and workers, and general population of the full area to be adversely affected by this quarry's approval (Ages, current health, family histories, prevalent risk factors, etc.); SLEEP DEPRIVATION STUDY.

#2) A. SAFETY: (Re: previous pages 4-12, & pages lake maps) As previously discussed in-depth that the roadway 'intended' for access to the proposed quarry site is in fact a private roadway comprised of private properties, and which is explicitly stated as "NOT FOR ANY COMMERCIAL USE...", AND consent has NOT been granted.

The only other 'perceived' access will be IMMEDIATELY in front of the Bloomsdale Elementary School by accessing through Alexis Carron's property, who IS Chris Carron's father. This will be a direct safety HAZARD to school buses full of children, and all that the school entails with the constant and conflicting daily loaded trucks, heavy equipment, and DEBRIS! These same loaded trucks, & heavy equipment with the debris will travel through Bloomsdale on the 2-lane US-61 highway directly in front of numerous homes, the Bloomsdale Fire Dept., and businesses including a Daycare Center!

Another PERTINENT aspect to SAFETY is the UNREENFORCED approximate 5-acre lake, which is depicted on the maps. This lake is, again, immediately in front of the elementary school with residential properties adjacent to its' UNREENFORCED embankment! With full knowledge that the blasting will entail a considerable part of such a quarry operation, compounded by the activity of the heavily loaded trucks, the short-sided, low-impact EARTHEN embankment will undoubtedly RUPTURE rendering another 'Taum Sauk' scenario! With the exception that the devastation will be the Bloomsdale Elementary School, & everyone it entails, the residents, and US-61 highway!

The relevant factor of blasting is not only an immense concern of safety, but health and livelihoods as well. Which is somewhat difficult to express one issue separate from the others! When the blasts occur the effects of the extensive Silica Dust, noise, and concussions will be detrimental in all aspects of the issues to every entity of the area!!

#2) B. We request: a FULL TRANSPORTATION ANALYSIS include, but not limited to point of INGRESS/EGRESS; MSDS (Material Safety Data Sheet) with types, size, and estimate weight of loads to be transported; SITE ANALYSIS, to include, but not limited to, PERK TEST with SATURATION ANALYSIS, WATER HOLDING CAPACITIES; SUBJACENT SUPPORTIVE STUDY to include, but limited to the blast effects to the unenforced lake and all adjacent properties; WATER DEPLETION ANALYSIS with specific data to the effects to the watershed and the probability of subsidence of adjacent properties. All to be conducted to the standards, requirements, and guidelines under the Surface Mining Control and Reclamation Act ("SMCRA"), which is an 'Act of nationwide force, intended to establish a nationwide program to protect society and the environment from the adverse effects of strip mining!

#3) A. LIVELIHOOD, by definition: A means of MAINTAINING LIFE, LIVING. It is BEYOND any realm of the imagination that the concerns of HEALTH and SAFETY are not considered relevant to, and consistent with LIVELIHOOD! There is an entire elementary school of children and everyone it entails, as well as innumerable households and businesses throughout the community that will have livelihoods ADVERSELY affected during the course of the proposed quarry's operations!

There are minimum of 12 households in the immediate area whose residents are either 'stay-at-home', maintain at least part of their work from their homes, and/or work 7-day swing, or midnight shifts; whereas in that case it is IMPERATIVE to sleep during 'NORMAL OPERATION' hours! With any of the

Director, Childers

Stewart/Davis

Page 3 of 3

Aforementioned, from the school children doing their WORK to the individual households maintaining their 'LIVING', it is INCONCEIVABLE that a continuum of LIVELIHOODS will be possible IF such a quarry operation is permitted at this site! There is NOT 'one' aspect of Living that won't be ADVERSELY affected!!

Also, contrary to the 'opinions' of some that the concerns of the EFFECTS to the area and property values overall is considered 'NIMBY', the fact is: IF approved approximately 1000 feet from the Public Elementary School it be NECESSITY of ADVERSITY to provide 'Full Disclosure' of this quarry to ALL real estate prospective throughout the community! Disclosure of such pertinent information as the extreme Silica Dust, noise, and hazards of heavy truck traffic will have a profound economical devastation to the areas Realty Market, and the many people whose 'livelihoods' are dependant upon one of the prime INDUSTRIES in the area: REAL ESTATE and THOSE DETERMINANT VALUES!!

The inference that DETRIMENTAL AFFECTS to the single largest INVESTMENT, i.e., our HOMES, does not affect 'LIVELIHOODS' is absurdly ignorant! The HOME is the essential basis for LIVELIHOOD! The realty market of the entire community will be ADVERSELY affected, with certain properties ultimately being UNMARKETABLE, therefore essentially WORTHLESS! This is NOT 'NIMBY'!! This IS: ADVERSE LAND USE, ECONOMICAL OBSOLENCE, AND INCURABLE DEPRECIATION!!!

#3) B. We request: A Public Report entailing the effects of such a proposed quarry to the immediate area to include, but not limited to FULL ENVIRONMENTAL IMPACT REPORT, ENVIRONMENTAL DEFICIENCY REPORT to include, but not limited to full improved value of all properties in the area to be ADVERSELY affected by the procuring cause of this quarry operation/heavy industry to be approximately 1000 feet from the Public Elementary School And effects to the school in conjunction with an INCURABLE DEPRECIATION REPORT to include, but not limited to potential and probable CONSEQUENTIAL DAMAGES and depletion of real estate VALUES in the area as a direct result of such heavy industry affecting the area's REALTY INDUSTRY.

Jerry L. Stewart Jr.	3/21/06
Kay A. Stewart	3/21/06
Brenda Davis	3/21/06
Susan Stewart	3/21/06
Jerry C. Stewart Jr.	3/21/06



Matt Blunt, Governor • Doyle Childers, Director

DEPARTMENT OF NATURAL RESOURCES

www.dnr.mo.gov

May 11, 2006

Terry Stewart, Sr.
Kay Stewart
Terry Stewart, Jr.
11045 Pleasant Heights
Bloomsdale, MO 63627

Dear Messrs. & Ms. Stewart:

NOT 17
Thank you for attending the public meeting held at Fischer Quarry and Hauling, LLC on the evening of April 4, 2006. A total of thirty-one people signed the attendance sheet. I opened up the meeting and suggested that if any issues are not adequately resolved then those issues could be brought before the Missouri Department of Natural Resources, Land Reclamation Commission, in the form of hearing request at the July 27, 2006, meeting. I requested that the operator present the proposed mine plan and then suggested that the meeting be open to questions and answers. There were a number of issues raised at the meeting and many of the issues were adequately resolved. By law, I am required to make the following findings.

Staff Director's Notice of Recommendation

The Land Reclamation Act at section 444.773.3, RSMo, requires that the Staff Director make a formal recommendation regarding the issuance or denial of an applicant's permit. In addition, the "Act" at 444.773.1, RSMo, requires the Director to consider any written comments when making the notice of recommendation. After consideration of issues discussed at the public meeting on April 4, 2006, it is my recommendation to approve the proposed Fischer Quarry and Hauling, LLC, permit application for a total 24-acres. The proposed mine time frame is until the year 2050. These acres are located in Section 3, Township 38 North, Range 7 East, in Ste. Genevieve County, near Bloomfield, Missouri. (TYPO: BLOOMSDALE)

My recommendation of approval is based on my conclusion that neither the health, safety or livelihood of the people who neighbor the quarry will not be unduly impaired by the issuance of this permit. The balancing test declared in the Act at Section 444.762, RSMO, does not weigh against the surface mining of minerals in this instance; therefore the decision is to approve this site.

May 11, 2006
Page Two

If you still feel that the public meeting did not adequately resolve your concerns, "The Land Reclamation Act" at 444.773.3, RSMo, allows you the right to request a formal public hearing before the Land Reclamation Commission. In order to request a formal public hearing before the Commission, you need to submit a written request for a formal hearing within 30 days of the date of this letter. Please be aware that when this request is presented to the Land Reclamation Commission, the Commission must be convinced that your health, safety or livelihood will be unduly impaired by the issuance of this permit, as set forth in 444.773.3, RSMo. If you are interested in pursuing a formal hearing, please mail that request to the Land Reclamation Commission, P.O. Box 176, Jefferson City, MO 65102-0176. Once the Commission receives your request, you will be notified of the time, date and location of the meeting when your request will be considered.

Required Components of the Recommendation

The Land Reclamation Act requires that the director make a formal recommendation regarding the issuance or denial of an applicant's permit. The director's recommendation is based on the following items:

1. The application's compliance with section 444.772, RSMo;
2. The application's compliance with 10 CSR 40-10.020;
3. Consideration of any written comments received;
4. Whether the operator has had a permit revoked or a bond forfeited; and
5. If a petition is filed and a hearing is held, the Commission shall make the decision.

Items 1 and 2: These are basically the same issue stating that the application must meet the criteria for application completeness in both the statute and the rules. After staff review of the permit application for 24-acres in Section 3, Township 38 North, Range 7 East, in Ste. Genevieve County, received from Fischer Quarry and Hauling, LLC; the application document has met the standards of both the statutes and the rules.

Item 3: For the consideration of comments mentioned at the public meeting and in the received letters, please refer to the Public Meeting Minutes.

Item 4: The applicant has never had a permit revoked or a bond forfeited, in accordance with the full language of the rules at 10 CSR 40-10.040(1)(A).

Item 5: Currently, there is a record on file that requests a formal hearing for Fischer Quarry and Hauling, LLC.

May 11, 2006

Page Three

Summary Comments

I appreciate everyone's attendance and concerns that were mentioned at the public meeting. Without the public's input at meetings like these, the department would not be aware of the potential impacts a proposed quarry operation may present.

An inspector from the department's Land Reclamation Program will periodically inspect this mining operation to ensure environmental compliance with applicable rules and regulations. If there are future concerns about Fischer Quarry and Hauling, LLC, or concerns about another mine operation, please do not hesitate to contact the department's Land Reclamation Program at (573) 751-4041.

If the Land Reclamation Program can be of any further assistance, please do not hesitate to contact me by phone at (573) 751-4041.

Sincerely,

LAND RECLAMATION COMMISSION

A handwritten signature in black ink that reads "Tom Coen" followed by a stylized flourish and the letters ".pr:". The signature is written in a cursive, flowing style.

Larry P. Coen, R.G.
Staff Director

LPC/tctb

Enclosure: Fischer Quarry and Hauling Public Meeting Minutes

c: Fischer Quarry and Hauling, LLC



"Leonard Brett M MSgt
AMC/A7SX"
<Brett.Leonard@scott.af.mil>

05/16/2006 01:23 PM

To "Tom Cabanas" <tom.cabanas@dnr.mo.gov>
cc
bcc
Subject RE: Fischer Quarry

Thank you for your assistance.

V/r

//SIGNED//

Brett M Leonard, MSgt, USAF
HQ AMC/A7SX
Scott AFB, IL 62225
DSN: 779-0742 COMM: 618-229-0742

From: Tom Cabanas [mailto:tom.cabanas@dnr.mo.gov]
Sent: Tuesday, May 16, 2006 1:20 PM
To: Leonard Brett M MSgt AMC/A7SX
Cc: Larry Coen; Sara Hayes
Subject: RE: Fischer Quarry

The best way to do that at this point is to get with one of the parties who has requested a hearing and ask them to speak on your behalf. Those who have requested hearings to date are: Terry Stewart Sr, Kay Stewart, Beau Davis, Susan Stewart, Terry Stewart Jr., Mr. & Mrs. Norman Bell, Eugene Gerard, James & Barbara Williams.

Tom Cabanas, Environmental Manager Band 2
Land Reclamation Program, MDNR
tom.cabanas@dnr.mo.gov
(573)751-4041
(573)751-0534 FAX

"Leonard Brett M MSgt AMC/A7SX" <Brett.Leonard@scott.af.mil>

05/16/2006 12:46 PM

To "Tom Cabanas" <tom.cabanas@dnr.mo.gov>
cc
Subject RE: Fischer Quarry
t

How may I voice my concerns to the public hearing on July 27th while I am mobilized? I myself am stationed at Scott AFB and Michelle is at Ali Air Base, Iraq.

V/r

//SIGNED//

Brett M Leonard, MSgt, USAF

HQ AMC/A7SX

Scott AFB, IL 62225

DSN: 779-0742 COMM: 618-229-0742

From: Tom Cabanas [mailto:tom.cabanas@dnr.mo.gov]

Sent: Tuesday, May 16, 2006 12:42 PM

To: Leonard Brett M MSgt AMC/A7SX

Cc: Larry Coen; Sara Hayes

Subject: RE: Fischer Quarry

I really should clarify what I meant by allowing the company to provide us edits. We did not allow the company to renege on any promises. What we wanted to do was to make sure what we wrote was actually what the company officials stated at the meeting. As I stated below these minutes were produced from written notes that the staff took at the meeting and it is very possible that our version of what we heard may not have accurately represented what was actually said by the company. This is why it is important to allow the company to provide us with edits, to make sure that we get it right in the minutes.

To address your concerns about the location of the quarry, I have to state that our statutory mandate requires the LRP to strike a balance between the interests of the mining industry and those of others. Please see section 444.762 RSMo for the specific language. The staff can only consider the very specific items as stated in the law and rules as they relate to a new mining operation. These items have to do mainly with the contents of the permit application. Other considerations cannot come into play in our recommendation to approve an application for a permit; except if the company has had a permit revoked in the past, which doesn't apply to this company. The areas of your concern are those that must be used by the Commission to decide if there is justification to hold a public hearing on the matter. That is why the folks who have requested a hearing should represent their own interests and show up at the July 27 Commission meeting to describe why they feel their health, safety and livelihood will be unduly impaired by the issuance of a permit to Fischer Qy and Hauling.

No the minutes don't highlight the edits to the minutes suggested by Fischer.

Tom Cabanas, Environmental Manager Band 2

Land Reclamation Program, MDNR

tom.cabanas@dnr.mo.gov

(573)751-4041

(573)751-0534 FAX

"Leonard Brett M MSgt AMC/A7SX" <Brett.Leonard@scott.af.mil>

05/16/2006 10:46 AM

To "Tom Cabanas" <tom.cabanas@dnr.mo.gov>

cc

Subject: RE: Fischer Quarry
t

I am sorry but this just doesn't make since. If Fischer said he would install a fence and tree row along the property line if the quarry was stood up. Now, from what you said below Fischer can retract the statement and not fulfill the promise. Sorry but isn't this the same as a convicted felon who wishes to change his testimony after being found guilty? From the get go this quarry issue has not been handled professionally, from any party. The Fischer's saying that no blasting will occur, Carron saying that no blasting or limestone mining will occur. Forgive my ignorance for letting my neighbors down while I am away by not providing what evidence that is needed to sway MO from allowing this permit to be awarded, I had hoped MO would have stepped up to the plate to protect the families. Tom, I am very disappointed in your office (LRP). For the Fischer's and your office it's just business, nothing personal. For my neighbors and my family it's nothing business, just personal. Just like many other families, we go to work at 8am and do what we have agreed to do to earn a living. At 5pm we come home to join our families to eat, relax and enjoy each others company until it's time to bed down for the night and then return to the world of labor. In our homes we should be free from our daily lives where we can remove ourselves from the outside world. Now, when we come home to settle and rest with our loved ones we are to endure work stress after hours, more time away from our loved ones because we have to worry about a quarry in our back yard, not your back yard not Fischer's backyard or even Carron's backyard, but ours. Michelle and I have stretched our paychecks to their limits to buy this house and now your office has recommended that a business (noisy, dirty, explosive and dangerous) into our backyard. I guess for Missouri progress doesn't always mean forward.

Will the changes to the minutes be highlighted so that they will be known?

V/r

//SIGNED//

Brett M Leonard, MSgt, USAF

HQ AMC/A7SX

Scott AFB, IL 62225

DSN: 779-0742 COMM: 618-229-0742

From: Tom Cabanas [mailto:tom.cabanas@dnr.mo.gov]
Sent: Monday, May 15, 2006 4:21 PM
To: Leonard Brett M MSgt AMC/A7SX
Cc: Larry Coen; Sara Hayes
Subject: RE: Fischer Quarry

Yes, at the public meeting, Larry Coen said that we would be running the minutes by Bob Fischer in order to allow him to correct any inaccuracies for statements he made. Since the staff would be producing the minutes from written notes, there is the possibility of mistaking what he stated. As Larry said at the meeting if there were any conditions specified or promises made by Mr. Fischer regarding the quarry, those would become conditions of the permit, should it be issued. This is why we wanted to run them by the company before they are published.

Tom Cabanas, Environmental Manager Band 2
Land Reclamation Program, MDNR
tom.cabanas@dnr.mo.gov
(573)751-4041
(573)751-0534 FAX

"Leonard Brett M MSgt AMC/A7SX" <Brett.Leonard@scott.af.mil>

05/15/2006 04:01 PM

To "Tom Cabanas" <tom.cabanas@dnr.mo.gov>
cc
Subject RE: Fischer Quarry

Can you explain "with their edits on the public minutes"? the address below is correct.

V/r

//SIGNED//

Brett M Leonard, MSgt, USAF
HQ AMC/A7SX
Scott AFB, IL 62225
DSN: 779-0742 COMM: 618-229-0742

From: Tom Cabanas [mailto:tom.cabanas@dnr.mo.gov]
Sent: Monday, May 15, 2006 3:52 PM
To: Leonard Brett M MSgt AMC/A7SX
Cc: Larry Coen; Sara Hayes
Subject: RE: Fischer Quarry

The hearing requests were originally scheduled to be considered by the Commission in May, but since Fischer Quarry and Hauling, LLC did not get back with us in time with their edits on the public meeting minutes that issue will now be considered at the July meeting. Your name is on the list of those who signed up to receive a copy of the minutes so you should be seeing them this week. The address we sent it to is: 6152 Hwy 61, Bloomsdale, MO 63627. If this is not your current address please advise and we will send you another copy.

I have requested the minutes be posted on our web site, so you may want to keep an eye out for them.

Tom Cabanas, Environmental Manager Band 2
Land Reclamation Program, MDNR
tom.cabanas@dnr.mo.gov
(573)751-4041
(573)751-0534 FAX

"Leonard Brett M MSgt AMC/A7SX" <Brett.Leonard@scott.af.mil>

05/15/2006 03:22 PM

To "Tom Cabanas" <tom.cabanas@dnr.mo.gov>
cc
Subject RE: Fischer Quarry

What about the meeting that was suppose to take place this May and the minutes that were supposed to be mail to me following the public hearing in April? It's hard for me to keep abreast because of my mobilization with the Air Force and I tend to hear rumors. However, I really expected to receive the minutes by now and have not seen them posted on the web site like I was told they would be within days of the April meeting.

V/r

//SIGNED//

Brett M Leonard, MSgt, USAF

HQ AMC/A7SX

Scott AFB, IL 62225

DSN: 779-0742 COMM: 618-229-0742

From: Tom Cabanas [mailto:tom.cabanas@dnr.mo.gov]

Sent: Monday, May 15, 2006 3:17 PM

To: Leonard Brett M MSgt AMC/A7SX

Cc: Larry Coen; Arthur Goodin; Kyra Moore; Sara Hayes

Subject: Re: Fischer Quarry

Mr. Leonard,

The Land Reclamation Program (LRP) has not issued a permit to Fischer Quarry and Hauling, LLC at the site near Bloomsdale in Ste. Genevieve County. Larry Coen, the director of the LRP, did issue a recommendation to issue the permit as part of his findings following the public meeting that was held on April 4, 2006. This recommendation and findings went out last Friday, May 12, 2006. The recommendation (and associated findings) are required whenever a public meeting is held. Since we have already received several requests for a formal hearing, the Land Reclamation Commission will

RE: Fischer Quarry - Tom Cabanas/LRP/DEQ/MODNR

consider those requests at their regular open meeting on July 27, 2006. The LRP permit will not be issued until the Commission has made a decision on whether or not a hearing will be held.

Now it might be that either their air or water discharge permit has been issued. Art and Kyra, do you know if either of those permits have gone out yet?

Tom Cabanas, Environmental Manager Band 2
Land Reclamation Program, MDNR
tom.cabanas@dnr.mo.gov
(573)751-4041
(573)751-0534 FAX

Mike Larsen/LRP/DEQ/MODNR

05/15/2006 03:02 PM

To "Leonard Brett M MSgt AMC/A7SX" <Brett.Leonard@scott.af.mil>

cc Tom Cabanas/LRP/DEQ/MODNR@MODNR, Larry Coen/LRP/DEQ/MODNR@MODNR

Subject: Re: Fischer Quarry [Link](#)

I am forwarding your email question to Mr. Cabanas and Mr. Coen who should be able to answer your question.

Thanks.

Mike Larsen, R.G.

RE: Fischer Quarry - Tom Cabanas/LRP/DEQ/MODNR

Chief, Projects and Inspection Unit
Missouri Department of Natural Resources
Division of Environmental Quality/Land Reclamation Program
(573) 751-4041
mike.larsen@dnr.mo.gov

"Leonard Brett M MSgt AMC/A7SX" <Brett.Leonard@scott.af.mil>

05/15/2006 02:58 PM

To: mining@dnr.mo.gov
cc
Subject: Fischer Quarry

I was just told via email that the Fischer Quarry was approved by the state, is this true?

V/r

//SIGNED//

Brett M Leonard, MSgt, USAF

HQ AMC/A7SX

Scott AFB, IL 62225

DSN: 779-0742 COMM: 618-229-0742

March 28, 2006

RECEIVED
MAR 30 2006
MISSOURI LAND
RECLAMATION COMMISSION

Re: Public Notice/Mining permit' for section 3, township 38N, Range 7E

To Whom It May Concern:

We are parents of children that are currently attending Bloomsdale Elementary School. We are very concerned and question the Quarry wanting to open across from the school. We feel that the children & faculty at Bloomsdale Elementary, and the families & their animals living in the surrounding area will be greatly affected by this quarry.

Our 1st concern are the children, the increased health & safety risks you will be allowing the quarry to create and we feel they will be in several ways.

- 1) The silica dust they will be breathing into their lungs
- 2) The dust that will accumulate on the school; play ground equipment, employee vehicles, buses and the grounds themselves.
- 3) The possibility of blasting and how it will effect the area;
 - The buildings, homes and the school in the area
 - The lake; what happens when the blasting creates a breach. Where will that water head? The water would run down hill, towards the school. Do you really want to create something similar to the Taum Sauk Reservoir disaster?
- 4) The heavier traffic this will create at our school site and through the Bloomsdale area with tandem & semi trucks.

We are being told that with all the homes area the site that the only place that a road can be put in would be across from the school entrance, which will create a very dangerous situation with the buses carrying our children, local traffic & trucks hauling material from the quarry. Even if they are allowed to use the existing road by the time they reach the school they will have picked up speed. If nothing else we would at least like to see an Environmental Impact & Health Study by the DNR; to be presented at a public meeting of all the citizens affected & concerned about this quarry. As concerned parents and registered voters we would like to know to what measures are going to be taken to insure the safety of the children; ex. Traffic lights at the Bloomsdale Elementary campus, 3 way stop signs, not allowing the trucks to pass in front of the school – go north on hwy 61 to OO/DD to Hwy 55.

We'd like to see our elected officials and all the other people in positions that can help stop the quarry from opening or to insure the safety & health of our children. Please help be our children's voices in this situation. We need to all stand up and defend the future for our children. It is really sad that there are no laws protecting our children and our schools from these types of situations.

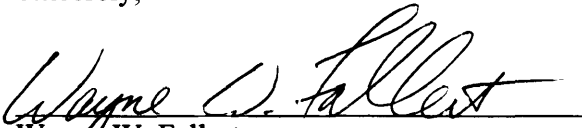
A copy of this letter is sent to the following people:

Director of Land Reclamation Program, Dept. of Natural Resources

Governor Matt Blunt
Congressman Wes Wagner
Senator Kevin Engler
Todd Raney & Arthur Goodin w/ MDNR
Dan Schuette w/ Air & Land Protection Division
Superintendent Mike Stewart
Ste. Genevieve R-2 School Board c/o Martha Resinger
Ste. Genevieve County Commissioners

RECEIVED
MAR 30 2006
MISSOURI LAND
RECLAMATION COMMISSION

Sincerely,



Wayne W. Fallert
210 Clement Rd.
Bloomsdale, MO 63627
Ste. Genevieve County

and



Christine A. Fallert

ADDENDUM To Letter Submitted, Dated 3/21/06:

Upon further inquiry as to the completeness of the proposed QUARRY application AND NOTIFICATIONS To ALL property owners; it is clear that the owner(s) of the home #2 (RE: Previous Pages 9-12, Photos) Address of 11066 Pleasant Heights located ON Private Road INTENDED as proposed Quarry's access have NOT been duly notified. The owner(s) as stated on recorded document (Book 1274, Pages 033-041) have repeatedly, AND currently insist that they do NOT own said property.

This does NOT negate the fact that the property and HOME belong to someone who will be adversely affected, and should be given notification as to the intended Quarry use of the roadway which is comprised in part of His/Her/Their property. THIS property's owner has NOT been notified of the proceedings AT ALL thus far.

Also, this DOES NOT negate the fact that the application as submitted is incomplete, again we request A HEARING on the matter. (AN ATTEMPT OF NOTIFICATION MUST SURELY HAVE BEEN MADE!)*WE REQUEST SUCH PROOF BE MADE EVIDENT AT REQUESTED HEARING.

RECEIVED
MAR 27 2006
MISSOURI LAND
RECLAMATION COMMISSION

Larry A. Stewart Sr.

3-23-06

Kay L. Stewart

3-23-06

Beau A. Davis

3-23-06

Susan Stewart

3-23-06

Larry A. Stewart Jr.

3-23-06

*IN ACCORDANCE WITH 10 CSR 40-10.20 (J) THE APPLICANT SHALL SUBMIT PROOF THAT: 1. ALL CERTIFIED LETTERS REQUIRED BY THIS RULE HAVE BEEN SENT TO ALL APPLICABLE PARTIES.... RECEIPTS SHOWING THAT ALL PARTIES HAVE BEEN PROPERLY SERVED..., 3. SUCH PROOF MUST BE PROVIDED...

S 84°39'20" E

TO US-61 Hwy.

Y E S M ' T.

'BELL'
PROPERTY (#1)

FISHER
377, PG. 149
40, PG. 327

P.O.B.
TRACT VIII

38.99'

142.15'

103.16'

S 00°45'58" W

(187.68')
187.80'

(NORTH)
N 00°43'26" E

S 82°43'44" E
155.77'

P.O.B.
TRACT V AND
ROAD ESM'T.

'UNKNOWN' OWNERS
HAVE NOT BEEN NOTIFIED
OF 'PROPOSED' QUARRY AND THE
INTENDED USE OF ROADWAY.

*TRACT VI (#3)

1.39 AC.

THE 'PROBONENT' PROPERTY
OWNER IS INCORRECT AS
STATED ON RECORD AT ST.
GENEVIEVE COUNTY RECORDER OF
DEEDS, AS OF 3/23/06.

*2005 TAXES HAVE NOT BEEN
PAID AS THEY INDICATE THEY
ARE NOT THE 'OWNER'
COPY SUBMITTED

S 87°45'56" W
(S 87°02'59" W)

174.24'

183.07'

357.31'

N 66°35'46"
72.35'

'BROWN'
PROPERTY

TRACT VII (#3)
0.82 AC.

'STEWART'
PROPERTY
TRACT
1.18 AC.

548.63'

ADDENDUM 8.28

L. DESCRIPTION

R. WALTERS
BK. 568, PG. 337

March 21, 2006

RECEIVED
MAR 24 2006
MISSOURI LAND
RECLAMATION COMMISSION

Director
Land Reclamation Program
Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102

Re: Proposed surface mine

Dear Director,

This is the second letter we are sending to your office in regard to the proposed surface mining by Fischer Quarry and Hauling, LLC on the 24 acres of property located in Ste. Genevieve County, on Highway 61, near Bloomsdale, Missouri.

There are several issues to be addressed including safety, livelihood, and personal property, as well as the detrimental impact this operation will have on those living thought-out the area this mine will affect.

Our adamant disapproval of this quarry being operated at this location continues and we request to be represented at a formal hearing of the commission on May 25th in Jefferson City, MO pursuant to your letter dated March 15, 2006. Both my wife and I will be present for this hearing along with legal representation.

I am enclosing the first letter submitted to your office concerning this proposed quarry.

Sincerely,



Mr. and Mrs. Norman S. Bell
6090 Hwy 61
Bloomsdale, MO 63627

Cc: Governor Matt Blunt
Senator Kevin Engler
Representative Wes Wagner

January 9, 2006

Director
Land Reclamation Program
Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102

RECEIVED
MAR 24 2006
MISSOURI LAND
RECLAMATION COMMISSION

Re: Proposed surface mine

Dear Director,

Our neighbors Mr. and Mrs. James Williams have recently given us a copy of the "*Public Notification Letter, Permit Expansion*" in regards to Fischer Quarry and Hauling, LLC starting operation of a surface mine on 24 acres of property located in Ste. Genevieve County, Section 03, Township 38N, Range 7E of the State of Missouri.

We, speaking for my wife, are extremely displeased with the actions of your office in allowing this permit to be issued.

The action of your office in the issuing of this permit underscores your inability to comprehend the effects on the neighborhood by allowing this operation of the surface mining. Further, your office in no way has contemplated the over usage of private roadways to homes in the close proximity of the proposed location of this quarry.

The effects to the homes, and school that surround the proposed site has needless to say, not been addressed. There are approximately thirteen (13) homes, not including the owner of the said property, and Bloomsdale grade school that is also in close proximity to the location of the surface quarry. This does not include the home that has recently been built in the "Deer Crossing" subdivision let alone the others located in the same area or subdivision.

Further, as a landowner of TRACT III, and V, the roadway to the proposed site which cuts through my property will adversely deteriorate the properties original purpose in giving "right of way" to homes that were to be built. In no way was the original intent of the roadway for commercial usage, let alone heavy trucks and earth moving equipment.

The blasting of the rock material and the effect it will have on the housing which surrounds the quarry is of concern. The issue of the "Public Notification Letter" was only sent to the adjoining properties, but will have an ill effect on all the properties in the area surrounding of the proposed site. I believe this notification was given without the ability of a person who has the capability of

understanding all the implications of the issuance of the permit to the homes and individuals this quarry will have now and in the future.

By the issuance of this permit it shows again how inept the government has become (county, state and federal) in the ability to represent the majority of people verses the interests of a select few.

Further, by the issuing of this permit it shows an inability on the DNR to put the neighborhood's welfare at a higher priority than the people who applied for this permit. This permit was given without any consideration to the community that is surrounding the proposed site.

We therefore, request you deny this permit for the proposed quarry located on the 24 acres of land, in Ste. Genevieve County, Section 3, Township 38N, Range 7E, operated and applied for by Mr. Francis Fischer, Fischer Quarry and Hauling, LLC 25501 St. Rt. Z, St. Mary, MO 63673. It is also recommended that the original owner of the above named property be barred from further attempts to have this land processed in a mining operation, of any kind due to the fact of the irreparable consequences such actions would have to the community.

Also, it is recommended your office in the future consider all the implications your decision(s) will have on property and individuals who try to improve the way of life, not only personally by collectively as citizens of this State of Missouri, and our County of the United States of America.

Sincerely,

Mr. and Mrs. Norman S. Bell
6090 Hwy 61
Bloomsdale, MO. 63627

Phone: (573) 483-3503
Email: jormbell@direcway.com

Cc: Governor Matt Blunt
Senator Kevin Engler
Representative Wes Wagner

RECEIVED
MAR 24 2006
MISSOURI LAND
RECLAMATION COMMISSION

February 24, 2006

Department Of Natural Resources
Land Reclamation Commission
Staff Director
Larry P. Coen

RECEIVED
MAR 09 2006
MISSOURI LAND
RECLAMATION COMMISSION

Dear Mr. Coen,

Thank you for responding to my letter concerning the Fischer Quarry permit. I am still against the quarry getting a permit to operate at this location. This location is too close to the elementary school.

Also I have a severe heart condition and I often need to get away from the city for a rest. At that time I go to my cabin that is very close to the proposed mine. My heart will not survive under the conditions of blasting, large machinery, truck noise, and dust from the quarry.

I am resubmitting my request for a hearing or public notice concerning this quarry.

Sincerely, *Eugene L. Grank*

March 17, 2006

Department Of Natural Resources
Land Reclamation Commission
Staff Director

RECEIVED
MAR 22 2006
MISSOURI
RECLAMATION COMMISSION

Dear Mr. Coen,

Thank you for the reply from my first request for a hearing about the Fischer Quarry and Hauling, LLC. My request still stands for the reasons in my first letter and now I have may more reasons. Since receiving the first letter, I have been reading everything I can find on limestone quarries. On February ninth I called Fischer Quarry for a meeting and the next day they called me back and said that the DNR would be setting up a meeting.

As you come south on Highway 61 into Ste. Genevieve County there is the largest quarry in the Nation. Holcum Quarry with a holding of 4,000 acres of beautiful land. You go south a couple of miles and you cross Brickey Road. If you go east toward the Mississippi River there is another quarry. Go south a couple of miles more on Highway 61 and you will come to the area that Fischer Quarry wants to put in another quarry. This seems to be a lot of quarries in the space of less then five miles.

Attached is a picture of the area in front of Fischer Quarry # 1 in St Mary's as you can see there is nothing close to it. Also attached is a picture of the neighborhood that is in front of the planned Fischer Quarry #2. There are several homes and an elementary school. Also I took a picture of a dump truck coming out of Fischer Quarry #1 and you can see the rocks are bouncing off of it and it isn't staying on the correct side of the highway. These trucks will be passing our homes and the elementary school several times a day.

I also found a lot of information about limestone dust and it is very harmful. I have printed this information and would like to bring it to a hearing.

Our family medical history is not very good. I have had two cancer surgeries and my husband had one. The limestone dust can cause cancer especially for someone who is susceptible to it. At this time our oldest son has lung cancer and is doing treatments and will have part of that lung removed along with some ribs. He will be staying with me after his surgery and this dust would not be good for him. We have two young granddaughters that spend a lot of time with us. They are in good health but with our medical history I do worry about them. Especially since they will be going to the elementary school across from the mine. We also have a great granddaughter that has asthma and has to have breathing treatments. We hate to think that she will not be able to spend any time at our home.

Thank you for reading my letter and looking at my pictures.

Sincerely,

James Earl Barton Williams

RECEIVED
MAR 22 2006
RECLAMATION COMMISSION



Homes in front of Fescha Quarry #2

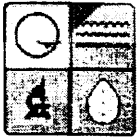
RECEIVED
MAR 22 2006
MISSOURI LAND
RECLAMATION COMMISSION



Rocks falling from truck that just came out of Fischer Quarry on Highway Z in Ste. Genevieve County.



Highway in front of Fischer Quarry on Highway Z in Ste Genevieve County.



Janie Monks/OD/MODNR
03/15/2006 11:19 AM

To Martha Buschjost/OD/MODNR@MODNR
cc
bcc
Subject Fw: Environment

Janie Monks
Office of the Director
Missouri Department of Natural Resources
(573) 751-3195 voice (573) 751-7627 fax
janie.monks@dnr.mo.gov

----- Forwarded by Janie Monks/OD/MODNR on 03/15/2006 11:19 AM -----



"Constituent Services"
<Constituent.Services@mo.gov>
03/15/2006 11:12 AM

To "Monks, Janie" <janie.monks@dnr.mo.gov>
cc
Subject FW: Environment

-----Original Message-----

From: dsangus43@hotmail.com [mailto:dsangus43@hotmail.com]
Sent: Tuesday, March 14, 2006 9:21 AM
Subject: Environment

Full Name: Mrs Delores A Basler

Address: 11779 State Rt Y

City State Zip: Bloomsdale MO 63627

HomePhone: 573 483 2248

Work Phone:

Email: dsangus43@hotmail.com

Subject: Environment

Message Body: I am concerned regarding the proposed quarry being placed by our school, Bloomsdale ELementary in Bloomsdale, Missouri. Health issues for the kids and faculty, not to mention any visitors to our various fundraisers. Safety issues due to travel on Hwy. 61 and our precious cargo, our kids, and sharing the road with large trucks from the quarry and knowing these trucks are a LLC, limited liability if they cause a accident and hurt, or worse yet, KILL someone??? The school will suffer as the foundation will not sustain blasting or what about fly-rock from blasting? again, it is a HUGE safety and health issue. Please help us with this! We are a proud productive school, we do not want harm to our kids!!! We want people behind this quarry to think SENSE instead of DOLLARS!! Thank you! Delores Basler

File: Fischer Quarry and Hauling, LLC; Permit 0579

March 17, 2006

Mrs. Delores A. Basler
11779 State Route Y
Bloomsdale, MO 63627

Mrs. Basler,

This is in reply to your email concerning the proposed limestone quarry operation near your home in Ste. Genevieve County. An application to mine at this site is currently under review by the Land Reclamation Program. The public notice on the application is currently running and should expire on or about March 30, 2006. Anyone may request a public hearing on the matter of the issuance of this permit if they feel their health, safety or livelihood will be impacted by the proposed operation. I understand that this is the second time the public notice has been run due to the discovery of a deficiency in the application materials. There were several requests for a hearing received during the first public comment period, and I'm sure that we will receive several more before the second public comment period ends.

Please keep in mind that by requesting a hearing on the matter it does not guarantee that a hearing will be held. It will be necessary for you or your representative to attend the Land Reclamation Commission meeting to present your reasoning as to why a hearing should be held based upon how you feel this operation will impact your health, safety and livelihood. The Commission will make their decision based upon factors presented to them by the public and applicant for a permit as well as the director's recommendation.

I know from your email that you do not want this quarry to open. However, by law we are not able to simply deny a permit because of public sentiment. The department's Land Reclamation Program can enforce the current law, however we can not deviate from the law without undesirable consequences. The fact is that this permit application must continue through the legal review process including a presentation to the Land Reclamation Commission at the May meeting. The staff director shall consider any written comments when making his recommendation to the commission on the issuance or denial of a permit, but the staff director cannot rule on the request for a hearing. The staff director must advise the commission whether or not the application is complete, and the nature of the concerns expressed by the public. Only the Commission itself can rule on the hearing request, after hearing presentations from all parties at the May 2006 meeting.

It is my understanding that the quarry operator has consented to holding a public meeting to discuss his proposed mining plans, and listen to comments and concerns of anyone from the community who wishes to attend. I feel this is a very positive initiative that should serve to bring the operator and surrounding community closer to resolving mutual concerns. This meeting has been scheduled for April 4, 2006 at 7:00 P.M. in the Knights of Columbus Hall in Bloomsdale.

The permit from the Land Reclamation Commission is but one of at least three permits that Fischer Quarry and Hauling, LLC will have to obtain. They will need a state operating permit from the Water Protection Program, which has been applied for and will be out on public notice in the near future. The other is a permit from the Air Pollution Control Program. Their application for this permit was received on October 25, 2005 and is still under review. A permit from the Land Reclamation Commission also does not give Fischer Quarry and Hauling, LLC, the right to proceed without fully satisfying all other permits and their conditions. Any requirements or restrictions imposed by any other permitting authority will still be in effect regardless of a permit received under the Land Reclamation Act.

As long as Fischer Quarry and Hauling, LLC complies with the laws and rules governing how one goes about obtaining a permit the Department will be required to issue the necessary permits unless a hearing on the Land Reclamation Permit produces a different result. The issue of whether or not the operation belongs in the planned location as you mention in your correspondence is more of a zoning issue that should be addressed at the local or county level or as a civil matter.

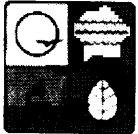
Thank you for your concern in this matter and for taking the time to get involved in the department's permitting process. If you would like to further discuss the permit issues addressed by the various programs you may call the Land Reclamation Program at 573-751-4041, the Water Protection Program at the Southeast Regional Office at 573-840-9750 or the Air Pollution Program at 573-751-4817.

Sincerely,
DNR

DC, Dir

n: Arthur Goodin/SERO/FSD/MODNR
Recipients: Kyra Moore/APCP/DEQ/MODNR@MODNR, Sara Hayes/LRP/DEQ/MODNR@MODNR,
Tom Cabanas/LRP/DEQ/MODNR@MODNR
Subject: Fw: Bloomsdale quarry
Date: 03/14/2006 11:18:28 AM

----- Forwarded by Arthur Goodin/SERO/FSD/MODNR on 03/14/2006 11:16 AM -----



Arthur
Goodin/SERO/FSD/MODNR
03/14/2006 11:06 AM

To "delores basler" <dsangus43@hotmail.com>
MMSTEWART@stegen.k12.mo.us,
cc russ.carnahan@house.mo.gov, Todd
Raney/SERO/FSD/MODNR@MODNR
Subject Re: Bloomsdale quarry

Ms. Basler,

I work for the Missouri Department of Natural Resources, Southeast Regional Office, in water pollution control. I believe I can provide you with information about how our State clean water law and regulations pertain to the concerns listed in your email. I will also provide you with contacts in the department's Land Reclamation Program and Air Pollution Control Program that should be able to address some of your other concerns.

State law and regulations require the operators of limestone quarries to obtain a Missouri State Operating Permit authorizing discharges from the quarry site to waters of the State. The conditions of this permit are intended to protect water quality in the streams, rivers and lakes that receive stormwater and process water discharges from the site. This permit deals with water quality and will not likely address the concerns over increased traffic, air pollution, etc. you listed in your email.

Fischer Brothers Quarry has applied for a general discharge permit which would allow it to discharge stormwater and process water from its proposed quarry site. In response to the application, this office has prepared a draft permit for public notice. The thirty day public notice period began on Friday, March 10, 2006. A .pdf copy of the draft permit is attached to this email below. If, after you have read the draft permit, you feel that it should not be issued in its current form or at all, you may submit your comments on the draft permit to the department in accordance with the instructions provided in the public notice.

I believe the department's Air Pollution Control Program is working with Fischer Brothers Quarry to determine if air pollution permits will be necessary for this site. You should contact Kyra Moore in the Air Pollution Control Program permits section at (573) 751-4817 for more details on that program's permitting and public notice procedures.

I also believe that the department's Land Reclamation Program is processing a permit application for Fischer Brothers Quarry. You should contact Sara Hayes in the Land Reclamation Program at (573) 751-4041 for more details on that program's permitting and public notice procedures.

If you have any more questions, please feel free to contact me at our Southeast Regional Office at (573) 840-9750 or at 2155 North Westwood Blvd., Poplar Bluff, Missouri 63901.

Art Goodin
Environmental Specialist III

Missouri Department of Natural Resources
Southeast Regional Office



G490999.pdf

"delores basler" <dsangus43@hotmail.com>



"delores basler"
<dsangus43@hotmail.com>

03/14/2006 09:11 AM

MMSTEWART@stegen.k12.mo.us,
To russ.carnahan@house.mo.gov, arthur.goodin@dnr.mo.gov,
todd.raney@dnr.mo.gov

cc

Subject Bloomsdale quarry

March 14, 2006

I am writing to you as a VERY concerned parent and citizen of Bloomsdale community regarding the proposed quarry in the area by the Bloomsdale Elementary School.

It is hard to believe, first of all, that the thought could actually go into action and who is allowing this??? I am sure you know how close the school is and does the childrens health not come into mind? I know it all goes towards the almighty dollar but wouldn't it be nice if we could realize the cause and effect? and this is the kids!

My husband and I are proud parents and our kids started at Bloomsdale with their wonderful education and although they have moved on to the upper grades into Ste. Gen, we do still have one at Bloomsdale. I am a proud supporter of this school and have worked HARD for 13+ years to assist this school and help it become productive and now all it takes is some money hungry people to take our school away. We sponsor many community activities to raise money for the kids, who would want to come here especially if their health is in danger? Our upcoming carnival is April 8, and you are invited to attend! come by and see the people with all the activities, we try to have it outdoors and it is our biggest fundraiser, but who will come with the air so thick with the quarry pollution??? I can go on endlessly about the dangers of this, but I hope you are aware of the health issues!!

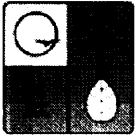
The safety issue is a big one also! Highway 61 is the ONLY road to our school and

transports our PRECIOUS cargo, OUR KIDS, back and forth to school, not to mention the MANY parents who travel this to come to school with their kids and our very fine educators also. You know the traffic will be horrendous with the quarry here. I do not feel we can morally jeopardize our kids like that. and if my records are correct, isn't Fischer Bros., who will be associated with this quarry, a "LLC", so does that give them the right to hurt or worse yet, kill someone and only have a limited liability??? I have a major problem with accepting that! Tell that to any child who has lost a parent that it is the trucks fault "a little bit" that killed their parent or grandparent. I hope someone opens their eyes to this and realize the importance of keeping the quarry out of our town. The livelihood will be effected and what about the blasting and our schools foundation??? I KNOW it would be effected! Think SENSE instead of DOLLARS!!

Sincerely,

Delores Basler

11779 State Rt. Y Bloomsdale, MO 483-2248 dsangus43@hotmail.com subject:
quarry



Sara
Hayes/LRP/DEQ/MODNR
03/08/2006 03:00 PM

To Debra.Seibel@courts.mo.gov
laborstandards@dolir.mo.gov,
cc russ.carnahan@house.mo.gov, Arthur
Goodin/SERO/FSD/MODNR@MODNR, Gary
bcc All Message Store@MODNR
Subject Re: Fw: Fischer Quarry and Hauling in Bloomsdale, MO []

Ms. Seibel,

The Missouri Department of Natural Resources Land Reclamation Program was copied on an email from Art Goodin to yourself regarding the Fischer Quarry & Hauling, LLC application to mine limestone in Bloomsdale, Missouri. We would like to take this opportunity to address a few issues, although some of your concerns such as traffic and blasting, the Land Reclamation Program has no authority over.

An application to mine at the Ste. Genevieve site is currently under review by the Land Reclamation Program. The public notice on the application is currently running and should expire on or about March 30, 2006.

From your email we can tell that you do not want this quarry to open. However, by law we are not able to simply deny a permit because of public sentiment. The department's Land Reclamation Program can enforce the current law, however we can not deviate from the law without undesirable consequences. The fact is that this permit application must continue through the legal review process including a presentation to the Land Reclamation Commission at the May meeting.

As long as Fischer Quarry and Hauling, LLC complies with the laws and rules governing how one goes about obtaining a permit the Department will be required to issue the necessary permits unless a hearing on the Land Reclamation Permit produces a different result. The issue of whether or not the operation belongs in the planned location as you mention is more of a zoning issue that should be addressed at the local or county level or as a civil matter.

The Program Director will consider your concerns, prior to making a recommendation in regards to issuance of the permit. I would also like you to be aware that you have another option that of requesting a hearing before the Land Reclamation Commission. Requesting a hearing provides you with the opportunity of presenting your concerns before the Commission. Please keep in mind that by requesting a hearing on the matter it does not guarantee that a hearing will be held. It will be necessary for you or your representative to attend the Land Reclamation Commission meeting to present your reasoning as to why a hearing should be held based upon how you feel this operation will impact your health, safety and livelihood. The Commission will make their decision based upon factors presented to them by the public and applicant for a permit as well as the director's recommendation. Hearing requests for the Fischer Quarry & Hauling application will most likely go before the Commission at the May 25, 2006 meeting which is held in Jefferson City.

If you wish to request a hearing you must do so in writing within 15 days of the final printing of

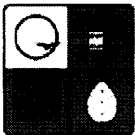
the Public Notice to the following address: Director, Land Reclamation Program, Department of Natural Resources, PO Box 176, Jefferson City MO, 65102. As mentioned previously the public comment period on the application is currently running and should expire on or about March 30, 2006.

I also wanted to inform you that Fischer Quarry & Hauling, LLC will be holding a public meeting to discuss concerns with the community. This public meeting will be held Tuesday, April 4, 2006 at 7pm in the Knights of Columbus Hall in Bloomsdale. Anyone may attend.

Thank you again for taking the time to share your concerns, and please feel free to contact me at (573) 751-4041 if, you have any questions or concerns regarding this letter.

Sara Hayes
Environmental Specialist
Land Reclamation Program, DNR

Tom Cabanas/LRP/DEQ/MODNR



Arthur
Goodin/SERO/FSD/MODNR
03/07/2006 04:04 PM

To Debra.Seibel@courts.mo.gov
laborstandards@dolir.mo.gov,
russ.carnahan@house.mo.gov, Gary
Gaines/SERO/DEQ/MODNR, Brad
Ledbetter/SERO/DEQ/MODNR, Amy
Baker/SERO/FSD/MODNR@MODNR, Todd
cc Raney/SERO/FSD/MODNR@MODNR, Kyr
Moore/APCP/DEQ/MODNR@MODNR, Tom
Cabanas/LRP/DEQ/MODNR@MODNR, Tim
Southards/SERO/FSD/MODNR@MODNR, David
Stinson/SERO/FSD/MODNR@MODNR, Sara
Hayes/LRP/DEQ/MODNR@MODNR
Subject Re: Fischer Quarry and Hauling in Bloomsdale, MO

Ms. Seibel,

I work for the Missouri Department of Natural Resources, Southeast Regional Office, in water pollution control. I believe I can provide you with information about how our State clean water law and regulations pertain to the concerns listed in your email. I will also provide you with contacts in the department's Land Reclamation Program and Air Pollution Control Program that should be able to address some of your other concerns.

State law and regulations require the operators of limestone quarries to obtain a Missouri State Operating Permit authorizing discharges from the quarry site to waters of the State. The conditions of this permit are intended to protect water quality in the streams, rivers and lakes that receive stormwater and process water discharges from the site. This permit deals with water quality and will not likely address the concerns over increased traffic, blasting, air pollution, etc. you listed in your email.

Fischer Brothers Quarry has applied for a general discharge permit which would allow it to discharge stormwater and process water from its proposed quarry site. In response to the application, this office has prepared a draft permit for public notice. The thirty day public notice period will begin Friday, March 10, 2006. I am planning to email a copy of the notice to a group of concerned neighboring landowners on Friday and I would be happy to provide you with a copy as well. If, after you have read the draft permit, you feel that it should not be issued in its current form or at all, you may submit your comments on the draft permit to the department in accordance with the instructions provided in the public notice.

I believe the department's Air Pollution Control Program is processing a permit application for Fischer Brothers Quarry. You should contact Kyra Moore in the Air Pollution Control Program permits section at (573) 751-4817 for more details on that program's permitting and public notice procedures.

I also believe that the department's Land Reclamation Program is processing a permit application for Fischer Brothers Quarry. You should contact Sara Hayes in the Land Reclamation Program at (573) 751-4041 for more details on that program's permitting and public notice procedures.

If you have any more questions, please feel free to contact me at our Southeast Regional Office at (573) 840-9750 or at 2155 North Westwood Blvd., Poplar Bluff, Missouri 63901.

Art

Debra.Seibel@courts.mo.gov



Debra.Seibel@courts.mo.gov

v

03/07/2006 01:01 PM

To

laborstandards@dolir.mo.gov,

russ.carnahan@house.mo.gov, arthur.goodin@dnr.mo.gov

cc

Subject Fischer Quarry and Hauling in Bloomsdale, MO

I am very alarmed at what is happening here in Bloomsdale, MO. Fischer Quarry and Hauling LLC being allowed to construct a quarry within 1100 feet from the Bloomsdale Elementary School. I have two boys who are enrolled at that school, I am very worried about the health issue of the air pollution this may create. The traffic this quarry would create would be a safety issue with regards to over loaded trucks, school buses and parents coming and going in the am and pm. Also the blasting would be a concern so close to a school with 350 plus kids and facility near by. The other concern would be the livelihood of Bloomsdale. The area in concern has really been developing with new families moving in, new homes being built. If a quarry is in full operation, the noise, the blasting will discourage any one looking in and around the area.

Please help us to not allow a quarry to be located so close to a school.

Thanks

Debra Seibel
10238 Tri Acre Lane
Ste. Genevieve, MO 63670
(573) 883-2844
debra.seibel@courts.mo.gov

**DEPARTMENT OF NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL QUALITY**

TELEPHONE OR CONFERENCE RECORD

File: Fischer Quarry and Hauling, LLC

Date: January 30, 2006

TELEPHONE

CONFERENCE

Incoming ()

Field (X)

Outgoing ()

Office ()

SUBJECT: Pending Quarry Operation at Ste. Genevieve Co. S-3, T-38N, R-7E.

PERSONS INVOLVED

Name	Representing
<u>Kay Stewart</u>	<u>Adjacent Landowner</u>
<u>Mark Fallert</u>	<u>Adjacent Landowner</u>
<u>Barbara Williams</u>	<u>Adjacent Landowner</u>
<u>Michelle Brown</u>	<u>Adjacent Landowner</u>
<u>Michelle Hoynacki</u>	<u>Adjacent Landowner</u>
<u>Norm Bell</u>	<u>Adjacent Landowner</u>
<u>Eugene Gerard</u>	<u>Adjacent Landowner</u>
<u>Jim Williams</u>	<u>Adjacent Landowner</u>
<u>Art Gooden</u>	<u>Dept. Natural Resources, Southeast Regional Office (SERO)</u>
<u>Todd Raney</u>	<u>Dept. Natural Resources, Southeast Regional Office (SERO)</u>
<u>Sara Hayes</u>	<u>Dept. Natural Resources, Land Reclamation Program (LRP)</u>
<u>Tom Cabanas</u>	<u>Dept. Natural Resources, Land Reclamation Program (LRP)</u>

(My apologies if I have misspelled anyone's name.)

SUMMARY OF CONVERSATION: We met at the access road leading to the proposed quarry site at approximately 12:30 at the request of Ms. Kay Stewart for the purposes of discussing the pending permit application that has been reviewed by the Land Reclamation Program (LRP). The application to operate a surface mine for limestone was received by the LRP on December 12, 2005. The application was reviewed and deemed complete on December 14, 2005. The company, Fischer Quarry and Hauling, LLC, ran the public notice on December 21, 2005 in the Ste. Genevieve Herald one a week for four consecutive weeks. They also sent certified letters to all adjacent property owners containing language similar to the public notices. To date the LRP has received requests for hearing from Ron and Michelle Brown, Eugene L. Gerard, Terry and Kay Stewart, Terry A. Stewart, Jr., Beau A. Davis, Susan R. Stewart, John P. King of Blumenfeld, Kaplan & Sandweiss, P.C. on behalf of Cingular Wireless, and Mr. and Mrs. Norman S. Bell. James and Barbara Williams made a request for a hearing and public meeting. Comment letters were received from Ronald J. Weiler, Water Superintendent, Pubic Water Supply District #1 of Ste. Genevieve County and Bret Leonard.

Ms. Kay Stewart began the meeting by handing out a folder containing various documents related to the proposed quarry. This contents of the folder included copies of a quit claim deed between Rick G. Alford &

-
Kari L. Alford and Norman S. Bell & Janet S. Bell dated 11/22, 2000, a general warranty deed between Rick Alford & Kari Alford and Chris J. Carron and Lynnette M. Carron dated 12/11/2003, public notification letter to Terry and Kay Stewart from Fischer Quarry and Hauling, LLC dated 1/24/06, copy of a fax from DNR/ Air Pollution Control Program (APCP) to Kay containing an Application for Authority to Construct from Fischer Quarry and Hauling, LLC dated 1/9/06, copy of a fax from DNR/LRP containing a permit application for industrial minerals mining from Fischer Quarry and Hauling, LLC dated 1/24/006, copy of a letter from Representative Wes Wagner, District 104 to Doyle Childers, Director, DNR dated 1/18/06 respectfully opposing the issuance of any permit to allow the quarry to operate in its pending location, various pages of material safety sheets on crystalline silica, limestone and silica quartz, carcinogens listed in the Eleventh Report, information on Limited Liability Companies, copy of a tax assessor's map indicating the approximate distance of the proposed operation from the nearby elementary school, and a copy of the letter from Ronald J Weiler, Water Superintendent, Pubic Water Supply District #1 of Ste. Genevieve County to the director of the LRP dated 1/23/06.

Ms. Stewart went over the issue of access to the property using the existing road. They have a problem with the proposed quarry using this road as they indicated it is a private road as per the warranty deed and quit claim deed they passed out. They don't believe that the quarry owners have an easement on the road. The question came up concerning how the LRP's Consent to Entry form could supercede their right to allow access using this road. It was explained that the form is really just used by the program to ensure that the LRP inspectors and others have access to the site to conduct our regulatory functions. It really doesn't pertain to allowing access of the quarry operator's trucks or equipment across private property.

It was also pointed out that after the application was deemed complete and the company given the approval to run the public notices and send letters to adjacent landowners, there were some omissions found on the maps that required the company to revise. Ms. Stewart asked if revising the maps would extend the public comment period. A new or extended public notice is not normally required under these circumstances, but the staff director, Larry Coen, will be consulted for his opinion.

Concerns were noted about how close the quarry is to the nearby elementary school and how dust and fly rock could impact the children there. There were questions asked about the possible carcinogenic nature of the limestone dust and how this would impact their air permit. Todd Raney, DNR/SERO, responded that he did not know of any information in Missouri that would indicate the limestone dust was a carcinogen. Art Gooden, DNR/SERO, went over the state operating permit that deals with water discharges from quarries in response to a question concerning the possibility of sediment discharging off of the site. He discussed the public notice opportunities and the discharge parameters of the permit.

With response to the issue of the use of explosives at the quarry, it was pointed out that DNR does not regulate this activity at limestone quarries and that all complaint regarding blasting should probably be sent to the Mine Safety and Health Administration in Rolla.

In response to the question of how these folks could stop the quarry, it was not the DNR's role to provide advice on how to prevent a facility from operating. Our role is to review permit applications and inspect for compliance at these operations. It was suggested that the adjacent landowners might wish to consult with an attorney for legal advice in order to accomplish their goals.

It was strongly suggested that everyone who has concerns with the operation contact the company to set up a public meeting in order to discuss the quarry operator's plans and the concerns of all adjacent landowners. If all parties are willing, such a meeting could help answer a lot of questions and perhaps prevent problems with the operation from occurring.

It was also pointed out that if the adjacent landowners want the Land Reclamation Commission to hold a hearing it is important that they attend or at least send a representative the Commission meeting scheduled for March 23, 2006.

With response to what role the LRP plays at these quarries, it was indicated that after the permit is issued the program staff will ensure compliance with regard to issues such as: mining too close to a road right of way, mining off of the permit area, preventing damaging runoff and erosion, and ensuring that the topsoil, grading and revegetation of the affected area occurs as per the permit. It was also pointed out that not all areas at the quarry would be regulated by the LRP. The only areas that are under the jurisdiction of the LRP are where overburden, the material found above the limestone (soil, waste rock, etc.), is removed and placed and where the mining of limestone occurs.

Mr. Bell asked that the notes of this meeting be sent to Representative Wes Wagner, Senator Kevin Engler and Governor Matt Blunt.

Tom Cabanas

1101 S. Second
DeSoto, MO 63020
636-337-2555

CAPITOL OFFICE
State Capitol
201 W. Capitol Ave.
Jefferson City, MO 65101
573-751-7735

E-Mail wwagner@services.state.mo.us

MISSOURI
HOUSE OF REPRESENTATIVES



WES WAGNER
STATE REPRESENTATIVE
104TH DISTRICT

January 18, 2006

Administration & Accounts
Elections
Financial Services
Local Government

(1-24-06)

COPY

Mr. Doyle Childers, Director
Department of Natural Resources
1101 Riverside Dr.
Jefferson City, MO 65102

Dear Director:

It has come to my attention that an application for permit is pending with the Department of Natural Resources in reference to a proposed quarry expansion. The application has been filed on behalf of Fischer Quarry, located near St. Mary, Missouri in Ste. Genevieve County.

Recently, residents of the surrounding area have contacted my office, as well as those of the Governor, Senator Kevin Engler and the office of the director of DNR. The residents are voicing their opposition to the issuance of the permit. It is my understanding that a significant amount of blasting may take place within earshot of the local elementary school and that the blasting may cause particulates to be thrown into the air potentially causing respiratory related problems for neighbors and school children.

My office is unaware of what public notification was involved up to this point and what amount of input local residents were allowed to convey to the DNR.

Due to the health and safety concerns that I have, in addition to those of the local residents, I must respectfully oppose the issuance of any permit that would allow a quarry to be in operation near or on the pending location.

Respectfully,

WES WAGNER
District 104

c: Sen. Kevin Engler
Terry and Kay Stewart
Norman Bell

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